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[Additional Counsel Listed on Signature Page]

[Proposed] Lead Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PETER RUDOLPH, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

UT STARCOM, HONG LIANG LU,
MICHAEL SOPHIE, THOMAS TOY, and
FRANCIS BARTON,

Defendants.

) Case No. 3:07-CV-04578-SI

) **NOTICE OF MOTION AND MOTION**
) **TO APPOINT JAMES R.**
) **BARTHOLOMEW AS LEAD**
) **PLAINTIFF AND FOR APPROVAL OF**
) **LEAD PLAINTIFF'S SELECTION OF**
) **LEAD COUNSEL**

) **DATE:** December 14, 2007

) **TIME:** 9:00 a.m.

) **COURTROOM:** 10

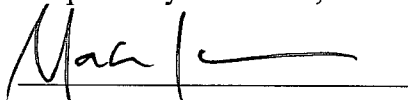
) **JUDGE:** Hon. Susan Illston

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on December 14, 2007 at 9:00 a.m., or soon thereafter as
3 this matter may be heard, class member James R. Bartholomew ("Movant"), by his counsel, will
4 move, and hereby does move, this Court for an Order: (i) appointing James R. Bartholomew as
5 Lead Plaintiff; and (ii) approving James R. Bartholomew's selection of the law firm of Finkelstein
6 Thompson LLP to serve as Lead Counsel. In support of this motion, James R. Bartholomew
7 submits herewith a Memorandum of Points and Authorities and Declaration of Mark Punzalan. A
8 proposed form of Order is also submitted herewith.

9 Dated: November 5, 2007

Respectfully submitted,

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11 _____

Mark Punzalan

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16 - and -

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